

AMENDED IN SENATE MARCH 3, 1998

AMENDED IN SENATE FEBRUARY 18, 1998

SENATE BILL

No. 1405

Introduced by Senator Lee

(Principal coauthor: Assembly Member Aroner)

**(Coauthors: Senators ~~Sher~~ Monteith, Sher, and
Vasconcellos)**

(Coauthors: Assembly Members Lempert, Prenter, and
Vincent)

January 13, 1998

An act to amend Section 13113.9 of, and to add Sections 13114.1, 13114.2, and 17922.5 to, the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 1405, as amended, Lee. Security bars: fire safety: regulations.

Existing law known as the State Housing Law generally regulates the construction, maintenance, occupancy, and use of buildings used for human habitation, including regulation of fire safety by the State Fire Marshal. Existing law also generally requires the State Fire Marshal to prepare, adopt, and submit for approval building standards pursuant to the California Building Standards Code, and other regulations relating to fire and panic safety establishing minimum requirements for the installation and maintenance of security bars that present a fire or panic hazard.

Existing law also prohibits the sale of security bars, referred to as “burglar bars,” in California at wholesale or retail unless the burglar bars are either labeled or their packaging contains warning information pursuant to regulations adopted by the State Fire Marshal. This prohibition becomes operative 180 days after the specified regulations are adopted by the State Fire Marshal.

This bill would make this prohibition operative on July 1, 1998, and would require the State Fire Marshal to distribute public education materials about the dangers of illegal burglar bars, to the extent that resources are available. It would also require the State Fire Marshal to adopt on or before July 1, 1999, regulations and standards to control the quality and installation of burglar bars and safety release mechanisms installed, marketed, distributed, offered for sale, or sold in California.

The bill would also prohibit any person, on or after July 1, 1999, from installing, marketing, distributing, offering for sale, or selling burglar bars and safety release mechanisms that have not been approved by a testing laboratory recognized by the State Fire Marshal, and would also prohibit on or after January 1, 1999, the installation or maintenance of burglar bars on any residential dwelling that is owned, ~~leased, or controlled~~ *or leased* by a public agency, unless the burglar bars meet current state and local requirements, as applicable, for burglar bars and safety release mechanisms.

A violation of provisions of the State Housing Law and provisions relating to the State Fire Marshal constitutes a misdemeanor. Because this bill would make changes to those provisions and thereby create new crimes, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

SECTION 1. Section 13113.9 of the Health and Safety Code is amended to read:

13113.9. (a) For the purposes of this section:

(1) “Burglar bars” are security bars located on the inside or outside of a door or window of a residential dwelling.

(2) “Residential dwelling” means a house, apartment, motel, hotel, or other type of residential dwelling subject to the State Housing Law (Part 1.5 (commencing with Section 17910) of Division 13) and a manufactured home, mobilehome, and multiunit manufactured housing as defined in the Mobilehome-Manufactured Housing Act of 1980 (Part 2 (commencing with Section 18000) of Division 13).

(b) On or before July 1, 1998, the State Fire Marshal shall develop and adopt regulations for the labeling and packaging of burglar bars addressing the requirements in the California Building Standards Code intended to promote safety in the event of a fire. For this purpose, the regulations shall include specification of the language to be printed on the packaging, the location of the language on the packaging, and the height and stroke of the print type to be utilized. The regulations shall direct the consumer or installer to contact the local fire department or local building official to determine whether the city or county requires that the burglar bars have a release mechanism on the outside for use by the fire department in the event of a fire emergency.

(c) Burglar bars shall not be sold in California at wholesale or retail unless the burglar bars are either labeled or their packaging contains the warning information specified in the regulations adopted pursuant to subdivision (b). This subdivision shall become operative on July 1, 1998.

(d) Any contractor or installer of burglar bars shall provide the owner of the residential dwelling the warning information required pursuant to subdivision (b) prior to installing burglar bars.

1 (e) No person shall install for profit unopenable
2 burglar bars on a residential dwelling (1) where the
3 California Building Standards Code requires openable
4 burglar bars for emergency escape or rescue, or (2) on
5 mobilehomes, manufactured homes, or multiunit
6 manufactured housing unless at least one window or door
7 to the exterior in each bedroom is openable for
8 emergency escape or rescue. This subdivision shall
9 become operative on July 1, 1998.

10 SEC. 2. Section 13114.1 is added to the Health and
11 Safety Code, to read:

12 13114.1. To the extent that resources are available,
13 the State Fire Marshal shall prepare and distribute for use
14 by local agencies, community groups, and private firms,
15 public education materials about the dangers of illegal
16 burglar bars. These public education materials shall use
17 multiple media, including Braille, 18-point type, cassette
18 tape, and computer disk for those who are print impaired,
19 and multiple languages, as the State Fire Marshal
20 determines appropriate.

21 SEC. 3. Section 13114.2 is added to the Health and
22 Safety Code, to read:

23 13114.2. (a) On or before July 1, 1999, the State Fire
24 Marshal shall adopt regulations and standards to control
25 the quality and installation of burglar bars and safety
26 release mechanisms installed, marketed, distributed,
27 offered for sale, or sold in this state.

28 (b) On and after July 1, 1999, no person shall install,
29 market, distribute, offer for sale, or sell burglar bars and
30 safety release mechanisms in this state unless the burglar
31 bars and safety release mechanisms have been approved
32 by a testing laboratory recognized by the State Fire
33 Marshal.

34 (c) As used in this section:

35 (1) "Burglar bars" means security bars located on the
36 inside or outside of a door or window of a residential
37 dwelling.

38 (2) "Residential dwelling" means a house, apartment,
39 motel, hotel, or other type of residential dwelling subject
40 to the State Housing Law (Part 1.5 (commencing with

1 Section 17910) of Division 13) and a manufactured home,
2 mobilehome, and multiunit manufactured housing as
3 defined in the Mobilehomes-Manufactured Housing Act
4 of 1980 (Part 2 (commencing with Section 18000) of
5 Division 13).

6 SEC. 4. Section 17922.5 is added to the Health and
7 Safety Code, to read:

8 17922.5. (a) Notwithstanding any other provision of
9 law, on and after January 1, 1999, no burglar bars shall be
10 installed or maintained on any residential dwelling that
11 is owned, ~~leased, or controlled~~ *or leased* by a public
12 agency, unless the burglar bars meet current state and
13 local requirements, as applicable, for burglar bars and
14 safety release mechanisms.

15 (b) As used in this section:

16 (1) "Burglar bars" means security bars located on the
17 inside or outside of a door or window of a residential
18 dwelling.

19 (2) "Public agency" means any of the following:

20 (A) A state agency, department, board, or
21 commission.

22 (B) The University of California.

23 (C) A local agency, including, but not limited to, a city,
24 including a charter city, county, city and county,
25 community redevelopment agency, housing authority,
26 special district, or any other political subdivision of the
27 state.

28 (3) "Residential dwelling" means a house, apartment,
29 motel, hotel, or other type of residential dwelling subject
30 to the State Housing Law (Part 1.5 (commencing with
31 Section 17910) of Division 13) and a manufactured home,
32 mobilehome, and multiunit manufactured housing as
33 defined in the Mobilehomes-Manufactured Housing Act
34 of 1980 (Part 2 (commencing with Section 18000) of
35 Division 13).

36 SEC. 5. No reimbursement is required by this act
37 pursuant to Section 6 of Article XIII B of the California
38 Constitution because the only costs that may be incurred
39 by a local agency or school district will be incurred
40 because this act creates a new crime or infraction,

1 eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section
3 17556 of the Government Code, or changes the definition
4 of a crime within the meaning of Section 6 of Article
5 XIII B of the California Constitution.

6 Notwithstanding Section 17580 of the Government
7 Code, unless otherwise specified, the provisions of this act
8 shall become operative on the same date that the act
9 takes effect pursuant to the California Constitution.

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